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EXAMINER

KYLE, MICHAEL J

ART UNIT PAPER NUMBER

3676

DATE MAILED: 05/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/009,435

Applicant(s)

COWPER, BRIAN EDWARD

Examiner

Michael J Kyle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 18 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 32-49 and 63-69 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 32 and 35-41 is/are rejected.
- 7) ☒ Claim(s) 33, 34, 42-49, and 63-69 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The specification is objected to because lines 10-11 recite “lock means arranged, in use, for key operation at the other side of the wing”. Line 23 states that the “key operable lock means at said one side of wing”. It is unclear which side of the wing the key operable lock means are on.

### *Claim Objections*

2. Claims 32, 36-37, 41-43, 45, 63, and 65 are objected to. It is unclear if the “lock means arranged, in use, for key operation” recited in claim 32 and 63 (lines 4-5) are the same as the “key operable lock means” of claims 36, 37, and 41 and 63 (line 13, for example). Furthermore, it is unclear if the “key operable lock means” are the same as the “lock means” recited in claims 42, 43, 45, 63 (line 19, for example), and 65. For the purpose of this Office Action, the examiner considers the “lock means arranged, in use for key operation”, the “key operable lock means” and the “lock means” to all be the same feature.

3. Claims 32, 35-37, 41-43, and 63 are objected to. Claim 32 recites that there are “lock means arranged, in use, for key operation *at the other side of the wing*” (emphasis added). Claims 32 continues to read that the “key operation of said lock means both de-actuating said blocking means, if operated, and retracting the bolt”. Therefore, the lock means operated by a key must be operated at *the other side* of the wing, based on the fact that the lock means operated by a key are on *the other side* of the wing (as opposed to *the one side*). Claim 35 recites the limitation “wherein the blocking means are operable from said one side only of the wing”. It is

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unclear how the blocking means are operable from "*said one side only of the wing*" if the lock means operated by a key at *the other side* of the wing can de-actuate the blocking means as recited in claim 32. The examiner believes that "said one side" recited in claims 35-37 and 41-43, should read --said other side--. Claim 63 also recites these limitations.

4. Claim 65 is objected to because line 1 reads "wherein at its other end". It is not clear what mechanism "its" refers to.

5. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 32, and 35-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Madden (U.S. Patent No. 4,563,885). Madden discloses a lock for wing movable between respective open and closed positions relative to a frame comprising a casing (30, 31), a bolt (42, 43) operable to extend from or retract into the casing, and an operating member (20) arranged to be operable at one side of the wing, in use, to effect retraction of the bolt (42, 43), lock means (33) arranged, in use, for key operation at the other side of the wing, and blocking means (40) operable, in use, to prevent operation of the operating member to retract the bolt, the arrangement being such that, in use, in a locked, closed position of the wing the bolt is extended and the blocking means (40), if operated, prevents retraction of the bolt by the operating member,

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key operation of the lock means (33) both de-actuating, the blocking means, if operated, and retracting the bolt (42, 43).

8. With respect to claims 35 and 36, Madden discloses the blocking means (40) are operable from the other side only of the wing to prevent operation of the operating member (20) to retract the bolt (42, 43). Madden also discloses the blocking means (40) are operable to prevent operation of the operating member (20) to retract the bolt (42, 43) by key operable lock means (33) at the other side of the wing.

9. With respect to claims 37 and 38, Madden discloses the key operable lock means (33) are operable at the other side of the wing to de-actuate the blocking means (40) and that the blocking means (40) is an angularly movable cam.

10. With respect to claims 39-41, Madden discloses the operating member (20) is a pivotable handle having a projecting surface (45, 46, connected through part 47) which engages the cam (40) when the blocking means (40) are operated and an attempt is made to pivot the handle (20), and the cam is on a second member (39) arranged for limited angular movement by operation of the key operable lock means at the one side of the wing.

#### ***Allowable Subject Matter***

11. Claim 33-34 and 42-49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and the objections stated above are corrected.

Claims 63-69 would be allowable if objections stated above are corrected.

#### ***Response to Arguments***

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12. Applicant's arguments with respect to claims 32 and 35-41 have been considered but are moot in view of the new ground(s) of rejection. These claims are now rejected under 35 U.S.C. 102(b) as being anticipated by Madden (U.S. Patent No. 4,563,885). The new grounds of rejection were necessitated by addition of the limitation that the key operation of the lock means *both* de-actuate the blocking means *and* retract the bolt.

### ***Conclusion***


13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following reference further shows the state of the art with respect to lock bolt mechanisms with additional blocking features: Johns et al.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Kyle whose telephone number is 703-305-3614. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

16. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

mk  
May 2, 2003

  
Lloyd A. Gall  
Primary Examiner